

PATENT APPLICATION
Docket No.: 13799.3.2 US

6/2/00
#15

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Geoffrey S. Martin et al.

For:

MULTIPLE LUMEN CATHETER

Art Unit
3762

Serial No.:

09/139,705

Filed:

August 25, 1998

Examiner:

Ronald K. Stright, Jr.

TERMINAL DISCLAIMER "A"

The Honorable Commissioner of Patents
and Trademarks
Washington, D. C. 20231

Sir:

I, Jonathan E. Last, hereby declare as follows:

1. That I am the Director of VAS-CATH INCORPORATED and am authorized to make the representation and take the actions set forth below in this document.

2. That the above-captioned United States Patent Application Serial No. 09/139,705 filed August 25, 1998 (hereinafter "the Present Application"), is a continuation of United States Patent Application Serial No. 08/481,169 that was filed on June 7, 1995 (hereinafter "the Parent Application"), and that matured into United States Patent No. 5,797,869 (hereinafter "the '869 Patent") to which the Present Application claims priority under 35 U.S.C. § 120.

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3. That the Parent Application is a continuation of United States Patent Application Serial No. 08/205,331 that was filed on March 3, 1994 (hereinafter "the Grandparent Application"), and that matured into United States Patent No. 5,472,417 (hereinafter "the '417 Patent") to which the Present Application also claims priority under 35 U.S.C. § 120.

4. That the Grandparent Application is a continuation of the now abandoned United States Patent Application Serial No. 07/785,351 that was filed on October 30, 1991 (hereinafter "the Great-Grandparent Application"), and to which the Present Application also claims priority under 35 U.S.C. § 120.

5. That the Great-Grandparent Application is a continuation of United States Patent Application Serial No. 07/288,364 that was filed on December 22, 1988 (hereinafter "the Second-Great-Grandparent Application"), and that matured into United States Patent No. 5,195,962 (hereinafter "the '962 Patent") to which the Present Application also claims priority under 35 U.S.C. § 120; that under 35 U.S.C. § 154(c)(1) the normal expiration date of the full statutory term of the '962 Patent is March 23, 2010; and that a copy of the '962 Patent is attached as Exhibit A.

6. That United States Patent Application Serial No. 07/699,421 that was filed on August 4, 1992 (hereinafter "the '421 Application"), is a divisional of the Second-Great-Grandparent Application; and that the '421 Application matured into United States Patent No. 5,135,599 (hereinafter "the '599 Patent") to which the Present Application also claims priority under 35 U.S.C. § 120.

7. That VAS-CATH INCORPORATED is the owner of all right, title, and interest in the '962 Patent by the cumulative action of the following documents that were executed and

recorded in the United States Patent and Trademark Office relative to the Second-Great-Grandparent Application:

a. the Assignment attached herewith as Exhibit B that was recorded in the United States Patent Office on February 21, 1989, at Reel 5256, Frames 304-305; and

b. the Assignment attached herewith as Exhibit C that was recorded in the United States Patent and Trademark Office on May 24, 1990, at Reel 5311, Frames 979-982; and

that the above-described ownership of the '962 Patent was recently verified by a title report secured from the United States Patent and Trademark Office, a copy of which is attached as Exhibit D.

8. That VAS-CATH INCORPORATED is the owner of all right, title, and interest in the '599 Patent by the cumulative action of the documents attached herewith as Exhibits B and C and discussed above in Paragraph No. 7; and that the above-described ownership of the '599 Patent was recently verified by a title report secured from the United States Patent and Trademark Office, a copy of which is attached as Exhibit E.

9. That VAS-CATH INCORPORATED is the owner of all right, title, and interest in the '417 Patent by the cumulative action of the documents attached herewith as Exhibits B and C and discussed above in Paragraph No. 7; and that the above-described ownership of the '417 Patent was recently verified by a title report secured from the United States Patent and Trademark Office, a copy of which is attached as Exhibit F.

10. That VAS-CATH INCORPORATED is the owner of all right, title, and interest in the '869 Patent by the cumulative action of the documents attached herewith as Exhibits B and C and discussed above in Paragraph No. 7; and that the above-described ownership of the '869 Patent

was recently verified by a title report secured from the United States Patent and Trademark Office, a copy of which is attached as Exhibit G.

11. That in light of the facts averred above in Paragraph Nos. 2-10, VAS-CATH INCORPORATED is the owner of all right, title, and interest in the Present Application.

12. That the documents at Exhibits A-G have been reviewed by me; and that to the best of my knowledge the documents at Exhibits A-G accurately reflect the rights of VAS-CATH INCORPORATED in the Present Application and in the '962 Patent.

13. That VAS-CATH INCORPORATED hereby disclaims the terminal part of the term of any patent granted from the Present Application which would extend beyond March 23, 2010, the normal expiration date of the full statutory term of the '962 Patent as described in Paragraph No. 5 above.

14. That VAS-CATH INCORPORATED further hereby agrees that prior to March 23, 2010, the normal expiration date of the full statutory term of the '962 Patent, any patent granted from the Present Application shall be enforceable only for and during such period as the legal title in that patent shall be in the same entity as the legal title in the '962 Patent.

15. That except as set forth in Paragraph No. 14 above, VAS-CATH INCORPORATED does not disclaim any terminal part of the term of any patent granted from the Present Application in the event that subsequently hereto, the '962 Patent either expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole under 37 C.F.R. § 1.321(a), is terminally disclaimed in whole under 37 C.F.R. § 1.321(b), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to March 23, 2010, the normal expiration date of the full statutory term of the '962 Patent.

16. That VAS-CATH INCORPORATED agrees that this agreement is to run with any patent granted from the Present Application and to be binding upon VAS-CATH INCORPORATED and any successors or assigns thereof.

17. That all declarations made herein based on my own knowledge are true and that all statements made herein on information and belief are believed to be true; and that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the Present Application or any patent issuing therefrom.

DATED this 1 day of February, 2000.

VAS-CATH INCORPORATED

By: _____


Jonathan E. Last
Director

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A S S I G N M E N T

WHEREAS WE, GEOFFREY S. MARTIN of 159 Donnelly Drive, Mississauga, Ontario, Canada L5G 2M3 and MICHAEL R. LEBLANC of 2190 Utley Road, Mississauga, Ontario, Canada L5J 1X1 are joint inventors of an invention entitled

TRIPLE LUMEN CATHETER

which is described in United States Patent Application Serial No. 07/288,364 filed December 22, 1988.

AND WHEREAS the invention was made by us, the said inventors during the course of our employment with VAS-CATH INCORPORATED, whose full post office address is 2380 Tedlo Street, Mississauga, Ontario, Canada L5A 3V3.

NOW THEREFORE to all whom it may concern, be it known that for and in consideration of the sum of one dollar (\$1.00) to us in hand paid by VAS-CATH INCORPORATED, and other good and valuable consideration the receipt of which is hereby acknowledged, we the said inventors hereby confirm that we have sold, assigned and transferred, and do hereby sell, assign and transfer to the said VAS-CATH INCORPORATED its successors and assigns the whole right, title and interest for Canada, the United States of America and all other countries in and to the said invention and in and to the said application and all Letters Patent that may be obtained therefor in Canada, the United States of America and all other countries.

WE hereby authorize and request the Commissioner of Patents to issue said Letters Patent to said VAS-CATH INCORPORATED the assignee of the entire right, title and

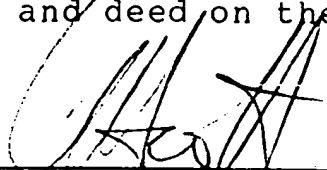
REEL 5256 FRAME 304

interest in and to the same, for its sole use and benefit, and for the use and benefit of its successors and assigns, to the full end of the term for which Letters Patent may be granted, as fully and entirely as the same would have been held by us had this assignment and sale not been made.

SIGNED at Mississauga this 21st day of February, 1989.

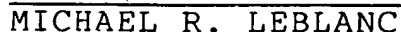

GEOFFREY S. MARTIN

I HEREBY certify that before me personally appeared GEOFFREY S. MARTIN to me known and known to me to be the individual described in the foregoing instrument, and that he, in my presence, executed this instrument and who by me being sworn did acknowledge that he executed this instrument as his free act and deed on the day and year aforesaid.

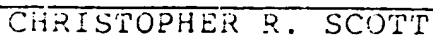

CHRISTOPHER R. SCOTT
Notary Public

CHRISTOPHER ROBERT SCOTT
NOTARY PUBLIC OF ONTARIO
LIMITED TO THE EXECUTION OF INSTRUMENTS
AND THE TAKING OF AFFIDAVITS FOR
GEOFFREY S. SCOTT
PATENT AND TRADE MARK AGENTS
EXPIRES DECEMBER 3, 1989.

1989. SIGNED at Mississauga this day of


MICHAEL R. LEBLANC

I HEREBY certify that before me personally appeared GEOFFREY S. MARTIN to me known and known to me to be the individual described in the foregoing instrument, and that he, in my presence, executed this instrument and who by me being sworn did acknowledge that he executed this instrument as his free act and deed on the day and year aforesaid.


CHRISTOPHER R. SCOTT
Notary Public

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REEL 5256 FRAME 305



PATENT
VAS-CATH 3.0-006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: :
MARTIN ET AL. :
Serial No. 07/288,364 : Group Art Unit
Filed: December 22, 1988 : Examiner: A. Mayer
For: TRIPLE LUMEN CATHETER : Date: May 22, 1989
X

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

ASSIGNMENT FOR RECORDING

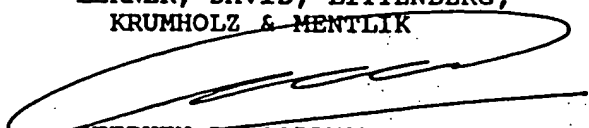
Enclosed herewith is an original assignment of the
above-identified patent application from Geoffrey S. Martin and
Michael R. LeBlanc to Vas-Cath Incorporated.

Kindly record the Assignment, returning the duly
recorded assignment to our office at the address below.

Enclosed is our check in the amount of \$8.00 to cover
the Assignment recording fee. If there are any fees due and
owing in connection with this matter, please charge same to
Deposit Account No. 12-1095.

Respectfully submitted,

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK


STEPHEN B. GOLDMAN
Reg. No. 28,512

600 South Avenue West
Westfield, NJ 07090
(201) 654-5000

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Ref: 7 FAM 834.3(a)

Canada)
Province of Ontario)
City of Toronto)
Consulate General of the)
United States of America)

SS: CERTIFICATE OF AUTHENTICATION
(Notary Public)

I, the undersigned, _____ Consul of the United States of
America at Toronto, Ontario, Canada, duly commissioned and qualified,
do hereby certify that

CHRISTOPHER ROBERT SCOTT

whose name is subscribed to the annexed document, was at the time of
subscribing the same a Notary Public of the Province of Ontario,
Canada.

For the contents of the annexed document, I assume no
responsibility.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal
of the Consulate General of the United States of America at Toronto,
Canada, this 17th day of OCTOBER 1989.

(SEAL)

Ronald S. Robinson
Consul of the United States
of America

RONALD S. ROBINSON

REC 53 1 1 FRAME 980

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A S S I G N M E N T

WHEREAS WE, GEOFFREY S. MARTIN and MICHAEL R. LEBLANC, whose full postal addresses are respectively 159 Donnelly Drive, Mississauga, Ontario, Canada L5G 2M3 and 2190 Utley Road, Mississauga, Ontario, Canada L5J 1X1 contributed as joint inventors to an invention entitled

TRIPLE LUMEN CATHETER

which is described in United States Patent Application Serial No. 07/288,364 filed December 22, 1988 naming us as inventors.

AND WHEREAS the invention was made by us, the said inventors during the course of our employment with Vas-Cath Incorporated, 2380 Tedlo Street, Mississauga, Ontario, Canada, L5A 3V3.

NOW THEREFORE to all whom it may concern, be it known that for and in consideration of the sum of one dollar (\$1.00) to us in hand paid by VAS-CATH INCORPORATED, and other good and valuable consideration the receipt of which is hereby acknowledged, we the said inventors hereby confirm that we have sold, assigned and transferred, and do hereby sell, assign and transfer to the said VAS-CATH INCORPORATED its successors and assigns the whole right, title and interest for Canada, the United States of America and all other countries in and to the said invention and in and to the said application and all Letters Patent that may be obtained therefor in Canada, the United States of America and all other countries.

WE hereby authorize and request the Commissioner of

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Patents to issue said Letters Patent to said VAS-CATH INCORPORATED the assignee of the entire right, title and interest in and to the same, for its sole use and benefit, and for the use and benefit of its successors and assigns, to the full end of the term for which Letters Patent may be granted, as fully and entirely as the same would have been held by us had this assignment and sale not been made.

SIGNED at MISSISSAUGA, Ontario, Canada this 6 day of OCT., 1989.


GEOFFREY S. MARTIN

I HEREBY certify that before me personally appeared GEOFFREY S. MARTIN to me known and known to me to be the individual described in the foregoing instrument, and that he, in my presence, executed this instrument and who by me being sworn did acknowledge that he executed this instrument as his free act and deed on the day and year aforesaid.


Notary Public

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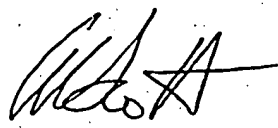
MAY 24 1990

CHRISTOPHER ROBERT SCOTT
NOTARY PUBLIC PROVINCE OF ONTARIO
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AND THE TAKING OF AFFIDAVITS FOR
PATENT AND TRADE MARK AGENTS
ROGERS & SCOTT
EXPIRES DECEMBER 3, 1989.

SIGNED at MISSISSAUGA, Ontario, Canada this 4th day of OCTOBER, 1989.


MICHAEL R. LEBLANC

I HEREBY certify that before me personally appeared MICHAEL R. LEBLANC to me known and known to me to be the individual described in the foregoing instrument, and that he, in my presence, executed this instrument and who by me being sworn did acknowledge that he executed this instrument as his free act and deed on the day and year aforesaid.


Notary Public

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REEL 5311 FILE 982